

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

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Rebecca S. Clark,

Plaintiff,

v.

Michael J. Astrue,  
Commissioner of Social Security,

Defendant.

Civil Action No. 0:11-3083-SB

**ORDER**

This matter is before the Court on Plaintiff Rebecca S. Clark's action for judicial review of a final decision of the Commissioner of Social Security, pursuant to Section 205(g) of the Social Security Act, as amended (42 U.S.C. § 405(g)), which denied the Plaintiff's claim for disability insurance benefits. The record includes the report and recommendation ("R&R") of United States Magistrate Judge Paige J. Gossett, which was made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a). In the R&R, filed on November 5, 2012, Magistrate Judge Gossett recommends that the Court reverse the Commissioner's decision pursuant to sentence four of 42 U.S.C. § 405(g) and remand the case to the Commissioner for further administrative action. In a notice filed on November 21, 2012, the Commissioner of Social Security informed the Court that he has no objections to the R&R.

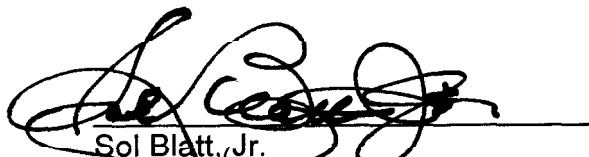
The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which

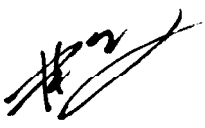
specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4 th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" ") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts the R&R (Entry 26) as the Order of the Court, and it is

**ORDERED** that the decision of the Commissioner of Social Security is reversed pursuant to sentence four of 42 U.S.C. § 405(g), and the case is remanded to the Commissioner for further administrative action as set forth in the R&R.

**IT IS SO ORDERED.**

  
 Sol Blatt, Jr.  
 Senior United States District Judge

  
 November 29, 2012  
 Charleston, South Carolina

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